

OFFICE OF THE MONITOR  
*NUNEZ, ET AL. V. CITY OF NEW YORK, ET AL.*

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December 14, 2018

**VIA ECF**

The Honorable Laura T. Swain  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10006

*Re: Nunez, et al. v. City of New York, et al., 11-cv-5845 (LTS) (JCF)*

Dear Judge Swain,

We write to respectfully recommend the Court endorse the attached proposed Order to provide the Monitoring Team with appropriate access to information for the 16- and 17-year-old youth detained at Horizon Juvenile Detention Center, which is jointly operated by the Department of Correction and the Administration of Children's Services. The proposed order is intended to ensure the Monitoring Team has access to relevant and necessary information in order for us to perform our responsibilities under the Consent Judgment, in particular to assess the City's efforts to achieve compliance with the provisions regarding 16- and 17-year-old youth.

We have shared this proposed Order with the Parties and they consent to the Monitor's recommendation. Please do not hesitate to reach out if you have any questions or require any further information.

Sincerely,

s/ Steve J. Martin  
Steve J. Martin, Monitor

s/ Anna E. Friedberg  
Anna E. Friedberg, Deputy Monitor

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
MARK NUNEZ, et al.,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	
	:	
CITY OF NEW YORK, et al.,	:	
	:	
Defendants.	:	
	:	11 Civ. 5845 (LTS)(JCF)
-----	X	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Plaintiff-Intervenor,	:	
	:	
- against -	:	
	:	
CITY OF NEW YORK and NEW YORK CITY	:	
DEPARTMENT OF CORRECTION,	:	
	:	
Defendants.	:	
-----	X	

**[Proposed] Order Regarding Monitor's Access to  
Documents Related to 16 & 17-Year-Old Youth**

Steve J. Martin is the Court appointed Monitor in the matter *Nunez et al. v. City of New York et al.*, 11-cv-5845 (LTS)(JCF) (S.D.N.Y.). The description of the Monitor's responsibilities is outlined in the Consent Judgment entered in the above captioned case (dkt. 249). On or before October 1, 2018, the City of New York moved the 16 and 17-year-old youth off Rikers Island to Horizon Juvenile Detention Center, which is jointly operated by the Department of Correction and the Administration of Children's Services.

In order for the Monitor to perform his responsibilities under the Consent Judgment, in particular to assess the City's efforts to achieve compliance with the provisions regarding 16 and 17-year-old youth, the Monitor shall have access to any records related to 16- and 17- year-old youth detained at Horizon, including but not limited to records protected from disclosure by New

York Social Services Law §372, 9 NYCRR § 7310.11 and 180-3.7. As required by § XX. (Monitoring), ¶ 7 of the Consent Judgment, the Monitor shall enter in to an appropriate confidentiality agreement. The Monitor's staff shall be subject to the same access rights and confidentiality limitations as the Monitor.

So Ordered:

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The Honorable Laura T. Swain

Date: \_\_\_\_\_